

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv7941-MV/LFG

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

Subfile No. CHNU-002-0014

MOTION FOR PROCEDURAL AND SCHEDULING ORDER

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) requests the Court to enter a procedural and scheduling order for the determination of the objections of Filiberto and Domitilia L. Ulibarri to the proposed decree of water right of Lucia A. and Robert J. Montoya in Subfile CHNU-002-0014, and in support of this motion Plaintiff states as follows:

1. Pursuant to the Court’s February 13, 2013 *Order for Motion and Proposed Order* (Doc. 10896), the State submits the attached proposed Procedural and Scheduling Order to Resolve the *Inter Se* Objections of Filiberto and Domitilia L. Ulibarri (Exhibit 1).

2. Following the Court’s February 13, 2013 *Order*, the State requested counsel for the Ulibarris, and Lucia A. and Robert J. Montoya, (“the Parties”) to propose a procedural and scheduling order for review by the State, but the Parties did not prepare one or provide any input on the matter. Counsel for the Ulibarris has recently advised the State that the Parties have reached a settlement in principle, and that they are in the process of drafting and reviewing a formal written agreement. In the event the Parties have not reached a settlement, including the withdrawal of the Ulibarris’ *inter se*

objections, prior to the time responses to this motion are due, the State requests that the Court approve and enter the attached proposed procedural and scheduling order which the State has prepared.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of February, 2013 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

Robert J. Montoya
Lucia A. Montoya
P.O. Box 244
Tierra Amarilla, NM 87575

/s/ Ed Newville

Edward G. Newville